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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,540	03/31/2004	Leo Tat Man Lau	CA920030106US1	9987
23373 7590 07/10/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
HO, BINH VAN				
ART UNIT		PAPER NUMBER		
2163				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,540

Applicant(s)

LAU ET AL.

Examiner

BINH V. HO

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9 and 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/31/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a response to amendment filed 03/11/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 7-9, 11, 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sadjadi (U.S. 6,850,938).

(Claim 1)

Sadjadi discloses in figures 1-4, for a database server, a computer program product for directing the database server to selectively release database system resources associated with a database system operatively coupled with the database server, the database server accessible by applications, the computer program product comprising a computer usable medium having computer readable program code embodied in said medium, the computer readable program code comprising computer readable program code for receiving requests from one or more applications (310), computer readable program code for determining whether a specified application is submitting requests using an online protocol (125, 428, 426), wherein the computer

~~readable program code for determining whether the specified application is submitting the requests using the online protocol is carried out~~ by the database server (130) receiving a request specifying that the online protocol is to be used and consequently setting an online flag (320) in the database server (130), and computer readable program code for returning defined error condition indicators to the specified application (330) ~~when the application is determined to be using the online protocol and when~~ if the online flag is set and identified system resources are determined to be scarce (352), whereby the specified application issues a commit when it is using the online protocol (254, 249, 354) and one of the defined error condition indicators is returned to the application (Table 1; 389).

(Claim 2)

Sadjadi discloses the identified system resources including one or more of log tables and locks (136, 142).

(Claims 4, 7, and 9)

Sadjadi discloses the computer readable program code for determining whether the specified application (310) being submitting the requests using the online protocol (125, 428, 426) is carried out by the database server (130) receiving a request specifying that the online protocol is to be used and consequently setting an online flag (320) in the database server.

(Claim 11)

Sadjadi discloses wherein the defined error condition indicator is returned to the application if at least one of a lock list and an active log space is full ("the lock manager denies (lock list full) the request from the database server if the requested lock type conflicts with a lock type granted in a prior lock which has not yet been released", col.7, lines 62-66).

(Claim 13)

Sadjadi discloses wherein the database server interrogates the lock list to determine if the lock list is full (col. 7, lines 62-66; col. 8, lines 6-16).

(Claim 14)

Sadjadi discloses wherein the application issues the commit at any time without changing a logic of the application while the application has forwarded the online protocol indicator (354).

(Claims 15-16)

Sadjadi discloses wherein the request sent by the application to the data base server is one of a statement level and application level flag specification (col. 6, lines 40-45; col. 2, lines 47-50).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sadjadi (U.S. 6,850,938) in view of McDaniel (U.S. 6,175,732).

(Claim 12)

Sadjadi discloses substantially all of the elements, except determine if the active log is full. McDaniel teaches determine if the log file 110 is full (col. 10, lines 18-27). It would have been obvious at the time of the invention was made for one person of the ordinary skill in the art to modify the disclosure of McDaniel to monitor the active log is full.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sadjadi (U.S. 6,850,938) in view of Aigen (U.S. 2003/0233632).

(Claim 17)

Sadjadi discloses substantially all of the elements, except wherein the request includes preparing a specified online keyword with every SQL statement if the request is the statement level flag specification. Aigen teaches a time-consuming and error-

prone process, depending on a variety of factors such as the developer's knowledge in using SQL, the developer's familiarity with the data being accessed, the frequency at which the database tables are updated by other users (paragraph [0029]). It would have been obvious at the time of the invention was made for one person of the ordinary skill in the art to modify the disclosure of Aigen to help alleviate these difficulties by automatically generating source code for accessing the database tables.

Conclusion

7. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hung T Vy/
Primary Examiner, Art Unit 2163

Binh V Ho
Examiner
Art Unit 2163